

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

LEONARD LOGAN,

Plaintiff,

vs.

NEDRA CHANDLER,

Defendant.

Docket No. 12 C 6170

Chicago, Illinois  
October 18, 2017  
9:30 o'clock a.m.

TRANSCRIPT OF PROCEEDINGS - MOTION  
BEFORE THE HONORABLE MATTHEW F. KENNELLY

APPEARANCES:

For the Plaintiff:

LOEVY & LOEVY  
BY: MS. TARA ELIZABETH THOMPSON  
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For the Defendant:

ILLINOIS ATTORNEY GENERAL  
CRIMINAL APPEALS DIVISION  
BY: MS. RETHA STOTTS  
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Court Reporter:

MS. CAROLYN R. COX, CSR, RPR, CRR, FCRR  
Official Court Reporter  
219 S. Dearborn Street, Suite 2102  
Chicago, Illinois 60604  
(312) 435-5639

1 (The following proceedings were had in open court:)

2 THE CLERK: Case No. 12 C6170, Logan v. Chandler.

3 MS. THOMPSON: Good morning, your Honor. Tara  
4 Thompson on behalf of petitioner.

5 MS. STOTTS: Good morning, your Honor. Retha Stotts  
6 from the Attorney General's office for respondent.

7 THE COURT: So I looked at everything that's been  
8 filed so far. Is there anything anybody has to say that you  
9 haven't already said?

10 MS. THOMPSON: Not unless the Court has any  
11 questions, your Honor.

12 THE COURT: No.

13 So first of all, the default rule is when you got  
14 something pending in state court, the brakes have to get put  
15 on the federal habeas, and the default rule doesn't really  
16 quite capture it because it's an almost exclusive rule with a  
17 very limited exception. An exception might be if the -- and  
18 I'm not stating this exactly the way it's stated in the cases,  
19 but if the state case is basically stalled out and nothing is  
20 happening, that might give a little window to go ahead and  
21 finish the pending federal case even though there's still  
22 something pending in the state court.

23 So first of all, nobody forced Mr. Logan to file his  
24 case in state court, that's number one.

25 Number two, virtually all of the delay up until

1 recently has been essentially by agreement, and I'm not  
2 faulting anybody for that. There's good reasons to agree to  
3 it, because there's apparently some reinvestigation that's  
4 going on that involves DNA testing and review by people and  
5 it's probably taking longer than you'd like it to take, but  
6 that was agreed to.

7 More recently, you know, I think there's been some  
8 effort to try to move the state court case ahead, and the  
9 contention I think -- the only thing to me that comes close to  
10 persuasiveness at this point is the idea that the state post  
11 conviction petition is going to get slow walked; in other  
12 words, there is a date that's been set for a response, but we  
13 all know what's going to happen. It's going to get extended,  
14 extended, extended, and honestly, that's probably that's true;  
15 but I don't think we're at the point yet where I can just kind  
16 of pull the plug on that and go ahead and rule.

17 So I think the motion that's -- the motion that was  
18 filed is a motion to lift the stay. It's denied without  
19 prejudice -- Pam, that's docket number 94 -- for the reasons  
20 that I just described. I am going to ask you for another  
21 status report -- what is the current due date for the response  
22 to the PC?

23 MS. THOMPSON: December 20th, your Honor.

24 THE COURT: Okay. 28th?

25 MS. THOMPSON: 20th.

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1 THE COURT: 20th, okay. So I'm going to ask you to  
2 file a status report let's say on the 4th of January, a joint  
3 status report just telling me what's going on with all of the  
4 various things that are going on at the state's attorney's  
5 office and with the PC, and I am going to have you come back a  
6 week after that, which is the 11th of January at 9:30.

7 MS. THOMPSON: Thank you, your Honor.

8 THE COURT: Thanks. Take care.

9 MS. STOTTS: Thank you.

10 (Which were all the proceedings had in the above-entitled  
11 cause on the day and date aforesaid.)

12 I certify that the foregoing is a correct transcript from  
the record of proceedings in the above-entitled matter.

14	Carolyn R. Cox	D
15	Official Court Reporter	
	Northern District of Illinois	
	/s/Carolyn R. Cox, CSR, RPR, CRR, FCRR	